

## Part B Insider (Multispecialty) Coding Alert

### Reader Question: State Laws Dictate Who the Doc Can Supervise

Question: Can a physician bill as a supervising provider when the staff member (in our case, a credentialed teacher with a PhD in education) is providing a cognitive therapy service for autistic adult patients, using computers as the therapy tool? The physician is in the office while the service is being provided. We would like to report 97532 (Development of cognitive skills to improve attention, memory, problem solving (includes compensatory training), direct (one-on-one) patient contact by the provider, each 15 minutes) or 96116.

Answer: This issue concerns not only correct coding, but also state scope of practice laws. Medicare requires that outpatient therapy services "must require the skills of a qualified therapist," and "be furnished by a physician, qualified non-physician practitioner, therapist, or an assistant supervised by a therapist." You can read the MLN Matters article concerning this subject at [www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/downloads/Medicare\\_Outpatient\\_Therapy\\_Billing\\_ICN903663.pdf](http://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/downloads/Medicare_Outpatient_Therapy_Billing_ICN903663.pdf)

Therefore, it's possible that your services, when performed by a teacher, may not be payable, even with 97532, which appears to be the most accurate match for your services. In this case, you should discuss this fact with the patient prior to the visit, and ask them to sign an advance beneficiary notice before you administer the service.

In addition, you would have to check with your MAC to confirm that the computer can be utilized as the therapy tool for these services.